

Statewide Guidance determining Priority for Services Status for Migrant Students

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Introduction:

This guidance document is provided to local Michigan Migrant Education Programs to assist them in accurate identification of qualifying *Priority for Services* students. In this section four of this document you will find the legal precedent regarding Priority for Services, the Non-Regulatory Guidance issued by the United States Office of Migrant Education, and excerpts from the OME's Frequently Asked Questions documents updated in fiscal year 2012.

The common procedures and documentation that have been adopted by Michigan are found in section one beginning on page two. This section provides step by step guidance for completing each section of the Eligibility Determination Worksheet. The PFS determination must be coded in the Migrant Education Data System (MEDS) and supporting documentation kept on file in the district.

The Frequently Asked Questions section will be updated as questions arise from the field. This document will be maintained on the MMEP website.

The section three contains implications for the implementation of these required *Priority for Services* changes. Section five includes a list of abbreviations used throughout this document and the Eligibility Determination Worksheet.

1. Common Procedures and Documentation:

In compliance with ESEA Title I, Part C Section 1304(d), state and local MEP programs must have consistent criteria used to determine Priority for Services status of migrant students. Students may qualify for priority for services if both of the following criteria are met:

A migrant student who has “priority for services” is a child

- (1) whose education has been interrupted during the regular school year, **and**
- (2) who is failing, or most at risk of failing, to meet the State’s challenging State academic content and achievement standards.

For the first criteria, migrant students must meet at least one of the following:

1. QAD/LQM after 9/1/2012 (or the start of the regular school year). Must have occurred during the regular school year and within the last 12 months.
2. Moved from one district to another due to migrant lifestyle
3. Absent for at least 5 consecutive days due to the migrant lifestyle
4. Officially withdrawn from school for at least five days and then re-enrolled due to the migrant lifestyle

For the second criterion, migrant students must meet at least one of the following:

Assessments must have been administered within the last 12 months.

5. Scored partially proficient or basic on the Michigan MEAP Reading Assessment
6. Scored partially proficient or basic on the Michigan MEAP Mathematics Assessment
7. Scored partially proficient or basic on Michigan MEAP Writing Assessment
8. Scored partially proficient or basic on Michigan MEAP Science Assessment
9. Scored partially proficient or basic on Michigan MEAP Social Studies Assessment
10. Scored below proficient on State Assessments received from other states
11. Scored below the 50th percentile on norm-referenced test (reading and/or math)
12. Scored below grade level on locally administered assessment in reading or math (DRA2, Delta Math or other)
13. Is classified as Limited English Proficient and has not meet the requirements from the Michigan’s Entrance and Exit Protocol to be exited from EL services
14. Qualifies for Special Education Services
15. Is behind in accruing credits toward graduation requirements
16. Has grades indicating below average performance in math and/or language arts at the elementary level
17. Has grades indicating below average performance in math, language arts, science, or social studies at the middle or high school levels
18. Repeated a grade level or course
19. Pursuing a GED course of study (OSY only)
20. Enrolled in a structured, early childhood program for at-risk children (PS only)

Common Procedure:

1. Gather assessment data and information relating to educational interruptions.
2. Complete the Priority for Services: Eligibility Determination Worksheet using achievement data that is less than one year old. Additional guidance follows for each section of the worksheet.
3. Enter PFS status (PFS or NPFS) into the Migrant Education Database System (MEDS).
4. Maintain PFS Eligibility Worksheet on file with the local MEP Director or Coordinator. These worksheets may be requested by the Michigan MEP.

Directions and examples for completing the Eligibility Worksheet:

Section 1: Student Information

- a. **Student's name:** Include first, middle and last names.
- b. **Date of birth:** Include student's date of birth.
- c. **Current QAD/LQM:** Include the most recent QAD/LQM for the migrant student.
- d. **Current Grade Enrolled:** Current grade of the student, PS, K-12 or OSY.
- e. **Priority for Services:** After completing the eligibility determination worksheet, mark PFS or NPFS indicating whether or not the migrant student qualified for the PFS status. If PFS yes, enter PFS in MEDS. If no, enter NPFS in MEDS.
- f. **Receiving local MEP funded services:** Note if the student (PFS and NPFS) is receiving MEP funded services. **Title I Part C Only** This section is for those services paid for with migrant funds only. The available options are:
 - i. Any Instructional Services: This would be any instruction given to migrant students by either a teacher or a para-professional whose salaries are paid with migrant funds.
 - ii. Math Instructional Services or Reading Instructional Services: This would be any reading or math instruction given to migrant students by a migrant-funded teacher only. Although a paraprofessional may be in the classroom to assist, all instruction is done by the teacher.
 - iii. Credit accrual: This is selected for those high school students who are taking part in a migrant-funded program working toward accruing credits for graduation.
 - iv. Counsel: This is for students who are receiving counseling from staff whose salary is fully or partially paid through migrant funds.
 - v. Support Services: These are services provided to migrant students funded through the migrant program. *Example*: Setting up a time and date for a dental van to come to the school and give dental check-ups to migrant students.
 - vi. Referral Services: This is when a migrant program refers a student or family to a service outside the school setting. *Example*: a migrant program refers a student to an orthodontist. NOTE: The referral is not considered complete until the student has kept the first appointment.
- g. **Today's date:** Date the worksheet was completed.

- h. **School:** Name of school where student is enrolled.
- i. **District:** Name of district or local MEP program attended.
- j. **School Year:** School year or summer program year in which the worksheet is completed and applied. *Example: 2012-13 or Summer 2013.*
- k. **COE #:** Include the COE number for easy reference in the MEDS.

Section 2: Criteria

- l. **Table A. Qualifying Interruptions:** Check and note the date of the most recent interruption.
 - 1. **QAD/LQM** – Check if the QAD/LQM occurred during the regular year and within the last 12 months. Note QAD/LQM.
 - 2. **Moved from one district to another district** – Check if the student had a non-qualifying move from one district to another due to the migratory lifestyle. This is a date within the last 12 months that is different from the QAD/LQM.

Example: An eligible migrant student is living with parents in district A. Parents move to another county to pick onions. The child cannot stay with the parents in this temporary location and moves to district B to live with her grandparents. This may qualify as an educational interruption. Note the date of the new enrollment.
 - 3. **Absent for at least 5 consecutive days** – Check if the student has missed school for 5 or more days due to the migratory lifestyle.

Example: An eligible migrant student has been exposed to pesticides and is under doctor's care. The child is unable to attend school for 7 consecutive days while recovering. This may qualify as an educational interruption. Note the date of illness.
 - 4. **Officially withdrawn from school for at least 5 days** – Check if the student was withdrawn for at least 5 days and then re-enrolled due to the migratory lifestyle.

Example: An eligible migrant student's family intended to return to their home base in Texas. They withdrew their child from school in preparation for the move. Their car broke down and after two weeks, they were still unable to make the trip. The family decided to stay for the rest of the school year and seek other qualifying work. They re-enrolled the student after two weeks.
- m. **Table B. Risk Factors for Failing to Meet State Standards Criteria:** Assessments must have been administered within the last 12 months old. Check all that apply. At least one item must be checked to be eligible for priority for services.
 - 5. Scored partially proficient or basic on the Michigan MEAP/MME Reading Assessment (indicate last MEAP/MME score and year taken; *example: 2012 Partially Proficient*)
 - 6. Scored partially proficient or basic on the Michigan MEAP/MME Mathematics Assessment (indicate last MEAP/MME score and year taken; *example: 2012 Partially Proficient*)

7. Scored partially proficient or basic on Michigan MEAP/MME Writing Assessment (indicate last MEAP/MME score and year taken; *example: 2012 Partially Proficient*)
8. Scored partially proficient or basic on Michigan MEAP/MME Science Assessment (indicate last MEAP/MME score and year taken; *example: 2012 Partially Proficient*)
9. Scored partially proficient or basic on Michigan MEAP/MME Social Studies Assessment (indicate last MEAP/MME score and year taken; *example: 2012 Partially Proficient*)
10. Scored below proficient on State Assessments received from other states (indicate year taken, assessment taken, content area tested, and score or level; *example: TAKS, Spring 2011, Reading, Basic*)
11. Scored below the 50th percentile on norm-referenced test (reading and/or math) (indicate year taken, assessment name, content area tested, and score or level; *example: NWEA Map, Spring 2011, Reading, 21st percentile*)
12. Scored below grade level on locally administered assessment in reading or math (DRA2, Delta Math or other) (indicate year taken, assessment name, content area tested, and score or level; *example: DRA2, September 2012 Benchmark, Reading, below grade level/level 5*)
13. Is classified as Limited English Proficient and has not meet the requirements from the Michigan's Entrance and Exit Protocol to be exited from EL services (indicate LEP status, ELPA assessment year taken and score; *example: LEP; Spring 2012, Low Intermediate*)
14. Qualifies for Special Education Services (indicate the date of the IEP and the content area(s) the student qualifies in; *example: 9/12/12, Reading Comprehension, Math Problem Solving*)
15. Is behind in accruing credits toward graduation requirements (indicate the degree to which the student is behind in credits; *example: behind 2 English credits and 2 Math credit as of Fall 2012*)
16. Has grades indicating below average performance in math and/or language arts at the elementary level (indicate the content area and the last grade achieved; *example: June 2012 Reading 3-Progressing below expectations; or January 2013 Math D-*)
17. Has grades indicating below average performance in math, language arts, science, or social studies at the middle or high school levels (indicate the content area and the grade achieved; *example: November 2012, 1st trimester, English Language Arts Spring 2012 D-*)
18. Repeated a grade level or course (indicate what grade or course was repeated and the year; *example: repeated 2nd grade in 2012-13*)
19. Pursuing a GED course of study; this would apply only to Out of School Youth (OSY). Student must be enrolled or attending a GED program and actively pursuing the GED. Note the program the student is attending and a general statement of when the student enrolled. *Example: MiWorks GED program, Fall 2012 or MSU HEP program, entered September 2012.*
20. Enrolled in a structured, early childhood program for at-risk children; this applies to Preschool (PS) only. Only school based, state or federally funded programs that require

students to meet at risk criteria for eligibility may be included. Telamon Migrant programs **DO QUALIFY** even though they are not school based per OME's August 2013 webinar. *Example: GSRP, Fall 2012. *(change for 2013-14)*

2. Frequently Asked Questions:

1. **Updated! Kindergarten:** A migrant student is enrolling in Kindergarten during the fall with a QAD/LQM from the spring of the same year (ie. regular year and less than 12 months). The migrant student was previously coded as NPFS since she did not attend a school-based preschool for qualifying at-risk students. However, the student did attend Migrant Head Start during the spring in Florida and her schooling was interrupted by the move to Michigan. The migrant student qualified and attended the MEP Summer Program. She met the eligibility protocol for English Learners and was classified as LEP. She was administered the DRA2 and scored below grade level. She met the following criteria from Table A and B:

Table A: #1: QAD/LQM during the regular school year while attending Migrant Head Start and in the within the last 12 months

Table B: #12: LEP; #13: below grade level on locally administered assessments

Student would qualify as PFS in the SC/Summer Enrollment and in the RM/Fall Enrollment for this school year.

2. **Summer and Following Year Enrollments:** If the QAD/LQM occurred during the regular school year and within the past 12 months, a migrant student meeting the criteria for Table B, may continue to be PFS during the summer enrollment following the school year in which QAD/LQM occurred and may continue to be PFS during the fall enrollment of the following school year. The migrant student would not qualify as PFS for the summer enrollment following the full year of PFS status as the QAD/LQM would have occurred more than 12 months prior.

Example: Migrant student enrolls with a QAD/LQM of 04/01/2014. The student is below grade level on district administered assessments and is an English Learner, thus meeting two of the possible criteria in Table B. The assessment information and LEP status are documented on the PFS worksheet. If the migrant student continues to meet the criteria for Table B, the student is potentially eligible for PFS during the Spring 2014 RM enrollment, Summer 2014 SC enrollment and Fall 2014 RM enrollment. The migrant student would **not** be eligible for PFS during Summer 2015 SC enrollment if a qualifying move had not occurred.

3. **Summer QADs/LQMs:** Summer QAD/LQM may not be used to satisfy the requirements of Table A. The QAD/LQM must have occurred during the regular school year and within the preceding twelve months. Summer moves, while they may qualify the child as eligible for the migrant program, they do not substantiate the educational interruption required in federal law. The QAD/LQM must have occurred during the regular school year. MSIX and other MEDS enrollments may be used as evidence of a regular year qualifying move. Note the source of this evidence on the *Priority for Services: Eligibility Determination Worksheet*.

4. **Timeline for completing the *Priority for Services: Eligibility Determination Worksheet*:** All attempts should be made to complete the *Priority for Services: Eligibility Determination Worksheet* within the 10 day COE approval window. If the administration of assessments necessary to determine PFS status requires additional time, the COE is submitted with the child's PFS status set to NPFS. This status may be updated when the *Priority for Services: Eligibility Determination Worksheet* is completed.
5. **Annual PFS determinations:** PFS status must be determined during each reporting cycle (September 1 to August 31). PFS status does not "roll over". Since changes have been made to the 2013-14 form, please complete the new *Priority for Services: Eligibility Determination Worksheet* for each migrant student who qualifies as priority for service for the year, 2013-14.
6. **Table A and Table B:** Migrant students must meet one of the criteria in Table A and at least one of the criteria in Table B to qualify as priority for service, PFS.
7. **PFS Status Services:** Migrant students with priority for service status must be served first – before migrant students who are designated NPFS and those with COS status. That being said, all potential services including Special Education services, English Learner services, and services provided through other state and federal grant programs are coordinated with migrant services. Migrant services are supplemental to these other program services and within migrant services PFS students are served first.

(to be developed as questions arise)

3. Implications:

Regarding Services:

When planning to provide services to eligible and participating migrant students K-12, local MEPs must first determine how they will focus on the unmet needs of migrant students who have a “priority for services” before serving other migrant students.

The Title I, Part C plan is embedded into the District Improvement Plan (DIP). When writing Goals, Objectives, Strategies and Activities in the DIP, local MEP directors and coordinators must identify how Title I, Part C funds will be prioritized to support migrant students in the following order: those who have a “priority for services”, other qualifying migrant students, and finally, former migrant services receiving continuation of services.

Regarding Allocations:

As required by ESEA Title I, Part C, migrant students who have a “priority for services” are funded with a state-determined multiplier in addition to the base allocation received for all K-12 migrant students. These counts are determined from the number of unduplicated eligible migrant students reported in MEDS.

If a local MEP program were to have a shift in the number of migrant students who have a “priority for services”, the Title I, Part C allocation would be impacted accordingly.

4. Law and Non-Regulatory Guidance:

ESEA/NCLB

Title I, Part C Section 1304 (d) PRIORITY FOR SERVICES – In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State’s challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.

Non-Regulatory Guidance —October 2003/2010

(Complete document was reviewed and updated in 2010; Chapter V was last updated in 2003)

Chapter V: Provision of Services

[Note: Before the agency provides services under these provisions, it should consider whether the child’s unmet special educational needs are addressed by the general school program and whether migrant children who have a priority for services have already been served.]

B1. Who has priority for services in the MEP?

Section 1304(d) of the statute gives priority for services to migrant children: (1) who are failing, or most at risk of failing, to meet the State’s challenging State academic content standards and challenging State student academic achievement standards, *and* (2) whose education has been interrupted during the regular school year.

B2. How does the SEA determine which children meet the “priority for services” criteria?

SEAs must establish and implement appropriate procedures to identify and target services to migrant children who meet the priority for services requirement. This requirement applies to all migrant children who are at an age that they are required to attend school in the State. In order to determine who meets this criterion, SEAs should first determine which children are failing or most at risk of failing to meet the State’s academic content standards and student achievement standards. Among those children who are failing or at most risk of failing, the SEA must identify and give priority for services to children whose education has been interrupted during the regular school year.

B3. How does the SEA determine which children are failing or most at risk of failing the State’s academic content standards and student academic achievement standards?

The SEA should examine students’ academic performance within the past 12 months on the State assessment. The State assessment is a valuable source of information regarding which children are failing or at risk of failing to meet the State’s standards (e.g., students not scoring at the proficient level). If the SEA does not have State assessment data on a particular migrant child (e.g., the child was not present in the district when the State assessment was administered, the State’s assessment system is not yet in place for a particular grade, the child attends school but is too young to be included in the State assessment system), the SEA may use other relevant information, like local academic assessment data or the degree to which the child is subject to multiple risk factors (e.g., being retained in grade/overage for grade, eligible for free/reduced price lunch, limited English proficient) to determine if the child is at risk of failing to meet the State’s standards.

B4. What is “educational interruption” during the regular school year?

“Educational interruption” means that a student, in the preceding 12 months, changed schools or missed a “significant” amount of school time (e.g., ten days or more) during the regular school year (usually

defined as September through June) due to the child's or family's migrant lifestyle. For example, a student who makes a “qualifying move” (see question C1 in Chapter II – “Child Eligibility”) during the school year usually enrolls in a new school and, in doing so, may miss a significant amount of school time and thus experience an educational interruption. [Note: Recruiters may collect information on educational interruption during the initial interview and when they perform annual updates of the COE.]

B5. Does the educational interruption have to be caused by a move to seek qualifying work?

No. While the educational interruption must clearly be related to the migrant lifestyle, it does not need to stem from moves in which a migrant worker seeks qualifying work. For example, the interruption may be caused by an illness, such as an exposure to a pesticide that causes the student to miss a significant amount of school. The move may be a trip back to the home base from qualifying employment to enable the child to return to school, to enable the family to take care of pressing family matters, or to enable the family to get ready for the next migrant move. On the other hand, a move home for a vacation would not constitute an educational interruption due to the migrant lifestyle. It is the SEA’s responsibility to clearly define the types of situations that constitute educational interruption as a result of the migrant lifestyle and to communicate these to local operating agencies so that staff apply them consistently on a statewide basis.

B6. Should an SEA or local operating agency use *only* the existence of a qualifying move during the school year to determine which migrant students have priority for services?

No. Although a qualifying move is a proxy measure of educational interruption and student mobility is considered an academic risk factor, an SEA or local operating agency should not rely on one data source to determine whether a student meets both criteria of the priority for services definition. Congress defined “priority for services” as a two pronged test and SEAs and local operating agencies should use multiple data sources to best determine who meets this definition. If an SEA or local operating agency uses a qualifying move to identify which students experienced educational interruption, it should use data sources such as those outlined in Question B3 of this chapter to determine which students are failing or at risk of failing to meet the State’s standards. Such use of multiple indicators will greatly improve the reliability of priority for service determinations.

B7. May the MEP serve children who do not meet the “priority for services” criteria?

Yes. SEAs and local operating agencies may serve children who do not meet the “priority for services” criteria so long as they serve children who meet the criteria first. For example, a MEP project that operates only in the summer may serve migrant children who reside in the area during the summer but whose schooling is not interrupted during the regular school year, if it first serves migrant students who meet the “priority for services” criteria.

MEP Questions & Answers, v.2 Office of Migrant Education (FY 2012)

Q. Can a child who is being served by the Migrant Education Program (MEP) under the Continuation of Services (COS) provision of the statute, also qualify for Priority for Services (PFS)?

A. OME interprets the statutory definitions of PFS and COS to be incompatible. The definition of PFS indicates its application to migratory children, while the COS provision applies when a child ceases to be migratory/is no longer a migratory child. Under these definitions, it is impossible for a child to be simultaneously a “migratory child” and “no longer a migratory child” [see Sections 1304(d) and (e) of the

Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act (NCLB) of 2001].

Q. Can a State consider children age 3-5 (not Kindergarten) and/or Out-of-School Youth for Priority for Services (PFS), even though these children are not enrolled in school?

A. The most recent guidance on PFS is found in Chapter V, Section B of the Migrant Education Program (MEP) Non-Regulatory Guidance (NRG). To be identified as PFS, a child must have had his/her education interrupted during the regular school year, and he/she must be failing or at risk of failing state academic achievement and content standards (for the complete definition, see Section 1304(d) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Let Behind Act of 2001 (NCLB)).

Although the NRG focuses on children enrolled in school, OME believes that States may identify OSY and preschool age children (age 3-5) as PFS if the State's Comprehensive Needs Assessment concludes that preschool children and OSY have some of the greatest needs statewide. A State might determine that OSY experience an interruption of education and are unlikely to meet State standards because they do not attend school and have not graduated from high school. A preschool child might meet the criteria if they are removed from a structured preschool program because of the migrant lifestyle, and while participating in the program, were failing or at risk of failing the program's milestones.

The State should develop a process for determining under which circumstances an OSY or preschool child qualifies for PFS. For example, the State might feel that it is appropriate to only include OSY who have moved within past year or OSY who are interested in earning a GED. The State should clearly outline these conditions in its PFS determination process. In addition, the State should ensure that local MEPs implement this process consistently.

5. Abbreviations:

COE	Certificate of Eligibility
COS	Continuation of Services
DIP	District Improvement Plan
EL	English Learner
ESEA/NCLB	Elementary and Secondary Education Act/No Child Left Behind
GED	General Equivalency or Educational Diploma
GSRP	Great Start Readiness Program
LEA	Local Education Agency
LQM	Last Qualifying Move (used in federal reporting)
MEAP/MME	Michigan Education Assessment Profile/Michigan Merit Exam
MEP	Michigan Education Program
NPFS	Not Priority for Services
NRG	Non-Regulatory Guidance
OSY	Out of School Youth
PFS	Priority for Services
PS	Preschool
QAD	Qualifying Arrival Date (used in federal policy documentation)
RM	Regular Year Migrant Program Participation Code
SC	Summer Migrant Program Participation Code
SEA	State Education Agency